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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,270

04/26/2004

David Low

4006

3269

31424

7590

04/04/2005

BABCOCK IP LLC

24154 LAKESIDE DRIVE

LAKE ZURICH, IL 60047

EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,270

Applicant(s)

LOW ET AL.

Examiner

Alexander D. Gilman

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☒ Claim(s) 4 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 7, 8, 9, 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Dagan in view of . Meltsch et al

With regard to claims 1, 5, 9, 13, Dagan (US 5,382,756) discloses a sealing assembly for a cable to apparatus interconnection, comprising:

a plurality (two or three- Fig. 4, 5) of shells(22) adapted to mate together,
a locking band (32) around an outer diameter of the mated together shells, the locking band having a retaining means (33) for end to end interconnection.

Dagan does not explicitly disclose a gasket mounted to each shell along a mating surface between the shells and along the openings,

Meltsch et al (US 5,574,259) disclose a gasket (Fig. 4, Fig.5) mounted to each shell along a mating surface between the shells and along the openings

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the a gasket mounted to each shell as taught by Meltsch et al , to dependably seal the interconnection..

With regard to claim 3, Dagan when modified by Meltsch et al disclose the locking band (32) is seated between shoulders (27) formed in the shells

With regard to claim 7, 12, Dagan when modified by Meltsch et al disclose at least one locking rib (37).

With regard to claim 8, 14, Dagan when modified by Meltsch et al does not disclose a width along a longitudinal axis of the gaskets along the openings is greater at the cable end than at the apparatus end.

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The above mentioned limitations are not patentably significant since they relate to the size of the article under consideration which is not ordinarily a matter of invention. In re Yount, 36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141.

With regard to claim 15, Dagan when modified by Meltsch et al disclose (Meltsch) a groove (57).

Claims 2, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dagan in view of Meltsch et al as applied to claim 1 above, and further in view of Strause et al.

With regard to claims 2,6, Dagan when modified by Meltsch et al does not disclose that retaining means is a hook over fin closure and the locking band is segmented into two halves.

Strause (US 6,359,228) disclose a band with retaining means is a hook (40) over fin (42) closure and the locking band is segmented into two halves (26, 26).

. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the interconnection with the specified band as taught by Strause et al , to dependably and quickly seal the interconnection (by pressing Dagan's 38 and 27 with Strause's 35).

Claims 10, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dagan in view of Meltsch et al as applied to claim 9 above, and further in view of Bukovnik et al.

Dagan when modified by Meltsch et al does not disclose that retaining means is a hook over fin closure and the locking band is segmented into two halves.

Bukovnik et al (US 6,545,219) disclose that the retaining means (Fig. 2) is at least one hole (between 136,134) which mates with at least one fin (2111);
a locking bar (123) operable as a lever

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide that retaining means is a hook over fin closure and the locking band is segmented into two halves as taught by Bukovnik et al , to dependably and quickly seal the interconnection (by pressing Dagan's 38 and 27).

Allowable Subject Matter

Claims 4 , 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including:

the retaining means is a hook over fin closure. the two shells forming the outer diameter having a minimum radius at the mating surface between the shells ; and a depression in an outer surface of each shell formed proximate a midpoint between the mating surfaces, the depressions receiving an inward projecting protrusion of the locking collar as the locking collar is rotated about the shells from a closed to a locked position (claim 4).

a plurality of compensation spikes formed protruding from the gasket proximate a contact point between each of the gasket with each other and the cable (claim 16).

Response to Arguments

Applicant's arguments filed 01/27/2005, regarding claims 1, 8 ,14 have been fully considered but they are not persuasive.

With regard to claim 1, Applicants argue that Meltsch (the secondary reference) fails to disclose a gasket mounted to each shell along a mating snrface between the shells and along the openings, since Meltsch applies a "gasket" to the mating surface along each shell that is separate and independent of a second "gasket" applied around the openings.

However, first of all, it is not claimed that the gasket is a single-piece element and each of shell has the respective gasket. Secondly. The configuration of Meltsh' gasket comprising two components was predetrmined by the specified disposition of the sealing surfaces. Thirdly, the sealing feature of the gasket in the rejection is applied to the primaryy reference (since the primary reference is modified) would be presentes by singlre piece according to the disposition of sealing surfaces in Dagan .

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With regard to claims 8 and 14, Applicants argue that disclose the limitation regarding a width along a longitudinal axis of the gaskets along the openings being greater at the cable end than at the apparatus end this limitation provides a solution for a matter of the invention, an anticipated variance in the surface features of different cables that may be used with the invention versus the standardized characteristics of a connector body.

However, the specification does not provide indication how the relationship of widths at two ends of the device provide foundation for utilization of the device with different cables.

The width of the device at the apparatus end depends on the features of apparatus, the width of the device at the cable end depends on the cable size.

It is held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. In re Swain et al., 33 CCPA (Patents) 1250, 156 F. 2d 239, 70 USPQ 412.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D. Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/30/2005

Handwritten signature of Alex Gilman in black ink.

**ALEXANDER GILMAN
PRIMARY EXAMINER**